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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,825	05/09/2001	Stephen A. Canterbury	47079-00092	3932
30223	7590	12/30/2004	EXAMINER	
JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/851,825

Applicant(s)

CANTERBURY, STEPHEN A.

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges receipt of amendment on 10/04/04. Currently, claims 19-22 have been added, and claims 1-22 are now pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozeki et al (US. Patent No. 5,402,385) in view of Helmbold et al (US. Patent No. 5,497,450).

a. As per claim 1 and 4, Ozeki et al discloses a method for write protecting a storage medium of a game machine. The method comprises decoding a selected address of the storage medium (col. 5, lines 49-68; col. 6, lines 1-29; and col. 1, lines 16-19). Further, since Ozeki discloses preventing overwrite of game data (col. 3, lines 11-14 and col. 8, lines 22-23), Ozeki obviously encompasses teaching that the game data is not alterable through use of the program that controls write mode to the memory device. Ozeki et al does not disclose disabling the load condition as claimed. However, Helmbold et al discloses disabling the load condition of the data register if the selected address matches an address of the data register (col. 8, lines 21-36). It would have been obvious to a person of ordinary skill in the art at the time the invention was

made to include the step of disabling the load condition of Helmbold et al to the write protecting method of Ozeki et al in order to protect the protected data.

- b. As per claim 2, Ozeki et al discloses including a write enable selection (col. 6, lines 41-53).
- c. As per claim 3, including card enable inputs would have been well known.
- d. As per claim 5-19 and 21, refer to discussion in claims 1-4 above.

3. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozeki et al (US Patent No. 5,402,385) in view of Helmbold et al (US Patent No. 5,497,450) and Kimura (US Patent No. 5,625,593).

As per claim 20 and 22, Kimura discloses disabling a plurality of load conditions (col. 6, lines 55-58). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the step of disabling the load conditions of Helmbold et al and to disable the card enable signal CE load condition taught by Kimura in the write protecting method of Ozeki et al in order to protect the protected data by disabling access to the memory device.

Cited References

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Devanagundy (US. 6,148,384) discloses disabling a plurality of load conditions (col. 8, lines 46-50).

Response to Arguments

5. Applicant's arguments filed 10/4/04 have been fully considered but they are not persuasive.

a) In response to applicant's argument in page 7, first two paragraphs, since Ozeki discloses a protected area in the memory in which the data cannot be overwritten in col. 3, lines 11-14, Ozeki obviously implies prohibiting alteration of game data even though the "write" subroutine is called to overwrite the data in the protected area. Further, since independent claims do not disclose when and how the write protection should be activated, any method taught by Ozeki and Helmbold for disabling the write protection such as allowing a user to activate the write protection, etc. still read on the claimed limitation.

b) In response to applicant's argument in page 7, last paragraph, through page 8, lines 1-6, independent claims do not claim the method for implementing the address lines as asserted by the applicant. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

c) In response to applicant's argument in page 8, last paragraph, independent claims do not disclose disabling more than one load conditions. Furthermore, the application does not explicitly disclose the difference between disabling a function and inactivating a function. Since both disabling and activating imply preventing executing a programming function, inactivating the write function of Helmbold can be viewed as disabling the write function.

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

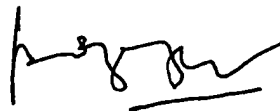
(703) 872-9306, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA
Second Floor (Receptionist).

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a horizontal line underneath it.

Kim Nguyen
Primary Examiner
Art Unit 3713

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Date: December 23, 2004